

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Monday, January 19, 2009
Place: Capitol

Time: 10 am
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 6

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

T Tabled

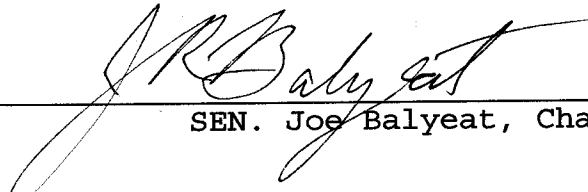
SB 127 DPAA SB 145 T _____

SB 89 P _____

SJ 6 P _____

SB 75 T _____

COMMENTS:



SEN. Joe Balyeat, Chairman

MONTANA STATE SENATE
Roll Call
BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE

DATE: 1/19/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOE BALLYEAT, CHAIRMAN	✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓	
SENATOR GREGORY BARKUS		✓
SENATOR ROY BROWN	✓	
SENATOR JIM KEANE	✓	
SENATOR JIM PETERSON		✓
SENATOR CAROLYN SQUIRES	✓	
SENATOR DONALD STEINBEISSER	✓	
SENATOR SHARON STEWART-PEREGOY	✓	
SENATOR JOSEPH TROPILA	✓	
SENATOR JONATHAN WINDY BOY	✓	



SENATE STANDING COMMITTEE REPORT

January 19, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Joint Resolution 6** (first reading copy -- white) **do pass**.

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required ____

SJ0006001SC.sdr

DR



SENATE STANDING COMMITTEE REPORT

January 20, 2009

Page 1 of 5

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 127** (first reading copy -- white) **do pass as amended.**

Signed: 
Senator Joe Balyeat, Chair

And, that such amendments read:

1. Title, page 1, lines 6 through 7.

Strike: "DEFINING" on line 6 through "PURPOSES" on line 7

Insert: "PROVIDING DEFINITIONS"

Following: "33-2-306," on line 7

Insert: "33-17-102,"

2. Title, page 1, line 8.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

3. Page 3.

Following: line 17

Insert: "Section 4. Section 33-17-102, MCA, is amended to read:

"33-17-102. **Definitions.** As used in this title, the following definitions apply:

(1) (a) "Adjuster" means a person who, on behalf of the insurer, for compensation as an independent contractor or as the employee of an independent contractor or for a fee or commission investigates and negotiates the settlement of claims arising under insurance contracts or otherwise acts on behalf of the insurer.

(b) The term does not include a:

(i) licensed attorney who is qualified to practice law in this state;

(ii) salaried employee of an insurer or of a managing general agent;


(iii) licensed insurance producer who adjusts or assists in

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

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adjustment of losses arising under policies issued by the insurer;

(iv) licensed third-party administrator who adjusts or assists in adjustment of losses arising under policies issued by the insurer; or

(v) claims examiner as defined in 39-71-116.

(2) "Adjuster license" means a document issued by the commissioner that authorizes a person to act as an adjuster.

(3) (a) "Administrator" means a person who collects charges or premiums from residents of this state in connection with life, disability, property, or casualty insurance or annuities or who adjusts or settles claims on these coverages.

(b) The term does not include:

(i) an employer on behalf of its employees or on behalf of the employees of one or more subsidiaries of affiliated corporations of the employer;

(ii) a union on behalf of its members;

(iii) (A) an insurer that is either authorized in this state or acting as an insurer with respect to a policy lawfully issued and delivered by the insurer in and pursuant to the laws of a state in which the insurer is authorized to transact insurance; or

(B) a health service corporation as defined in 33-30-101;

(iv) a life, disability, property, or casualty insurance producer who is licensed in this state and whose activities are limited exclusively to the sale of insurance;

(v) a creditor on behalf of its debtors with respect to insurance covering a debt between the creditor and its debtors;

(vi) a trust established in conformity with 29 U.S.C. 186 or the trustees, agents, and employees of the trust;

(vii) a trust exempt from taxation under section 501(a) of the Internal Revenue Code or the trustees and employees of the trust;

(viii) a custodian acting pursuant to a custodian account that meets the requirements of section 401(f) of the Internal Revenue Code or the agents and employees of the custodian;

(ix) a bank, credit union, or other financial institution that is subject to supervision or examination by federal or state banking authorities;

(x) a company that issues credit cards and that advances for and collects premiums or charges from the company's credit card holders who have authorized the company to do so, if the company does not adjust or settle claims;

(xi) a person who adjusts or settles claims in the normal course of the person's practice or employment as an attorney and who does not collect charges or premiums in connection with life or disability insurance or annuities; or

(xii) a person appointed as a managing general agent in this state whose activities are limited exclusively to those described in 33-2-1501(10) and Title 33, chapter 2, part 16.

(4) "Administrator license" means a document issued by the

commissioner that authorizes a person to act as an administrator.

(5) (a) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

(b) The term does not include an individual.

(6) "Consultant" means an individual who for a fee examines, appraises, reviews, evaluates, makes recommendations, or gives advice regarding an insurance policy, annuity, or pension contract, plan, or program.

(7) "Consultant license" means a document issued by the commissioner that authorizes an individual to act as an insurance consultant.

(8) "Home state" means the District of Columbia or any state or territory of the United States in which the insurance producer:

(a) maintains a principal place of residence or a principal place of business; and

(b) is licensed as an insurance producer.

~~(8)~~(9) "Individual" means a natural person.

~~(9)~~(10) "Insurance producer", except as provided in 33-17-103, means a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance.

~~(10)~~(11) "Lapse" means the expiration of the license for failure to renew by the biennial renewal date.

~~(11)~~(12) "License" means a document issued by the commissioner that authorizes a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create actual, apparent, or inherent authority in the holder to represent or commit an insurer to a binding agreement.

~~(12)~~(13) "Limited line credit insurance" includes credit life insurance, credit disability insurance, credit property insurance, credit unemployment insurance, involuntary unemployment insurance, mortgage life insurance, mortgage guaranty insurance, mortgage disability insurance, gap insurance, and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing the credit obligation and that the commissioner determines should be designated as a form of limited line credit insurance.

~~(13)~~(14) "Limited line credit insurance producer" means a person who sells, solicits, or negotiates one or more forms of limited line credit insurance coverage to individuals through a master, corporate, group, or individual policy.

~~(14)~~(15) "Limited lines insurance" means those lines of insurance that the commissioner finds necessary to recognize for the purposes of complying with 33-17-401(3).

~~(15)~~(16) "Limited lines producer" means a person authorized by the commissioner to sell, solicit, or negotiate limited lines insurance.

~~(16)~~(17) "Lines of authority" means any kind of insurance as

defined in Title 33.

~~(17)~~(18) "Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract if the person engaged in negotiation either sells insurance or obtains insurance from insurers for purchasers.

~~(18)~~(19) "Person" means an individual or a business entity.

~~(19)~~(20) "Public adjuster" means an adjuster employed by and representing the interests of the insured.

~~(20)~~(21) "Sell" means to exchange a contract of insurance by any means, for money or the equivalent, on behalf of an insurance company.

~~(21)~~(22) "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance.

~~(22)~~(23) "Suspend" means to bar the use of a person's license for a period of time.

~~(23)~~(24) "Uniform application" means the national association of insurance commissioners' uniform application for resident and nonresident insurance producer licensing.

~~(24)~~(25) "Uniform business entity application" means the national association of insurance commissioners uniform business entity application for resident and nonresident business entities."

Renumber: subsequent sections

4. Page 4, line 22.

Following: ";"

Insert: "or"

5. Page 4, line 23 through line 26.

Strike: "; or" on line 23 through "licensure" on line 26

6. Page 7, line 29.

Following: "credits"

Insert: "and at least 1 credit hour on changes in Montana insurance statutes and administrative rules"

7. Page 8, line 1.

Following: "education"

Insert: ", including at least 1 credit hour on changes in Montana insurance statutes and administrative rules and the remaining credit hours"

8. Page 8, line 2 through line 5.

Strike: ";" on line 2 through "rules" on line 5

9. Page 8.

Following: line 12

Insert: "NEW SECTION. Section 10. Applicability. [Section 8] applies to 24-month periods for obtaining continuing education beginning on or after January 1, 2010."

- END -



SENATE STANDING COMMITTEE REPORT

January 19, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 89** (first reading copy -- white) **do pass**.

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

- END -

Committee Vote:

Yes 10, No 1

Fiscal Note Required ☐

SB0089001SC.sdr

DR

COMMITTEE FILE COPY

TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED **SB 75, SB 145**,
by motion, on **Monday, January 19, 2009**.


(For the Committee)


(Secretary of the Senate)

12:00 , 1/19
(Time) (Date)

January 19, 2009

Linda J. Keim, Secretary

Phone: 444-4772

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 1-19-09 BILL NO. _____ MOTION NO. _____
 MOTION: Table SB 75 carried 7-4

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON	✓		proxy
SENATOR CAROLYN SQUIRES		✓	
SENATOR DONALD STEINBEISSER	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JOSEPH TROPILA		✓	
SENATOR JONATHAN WINDY BOY	✓		
SENATOR VERDELL JACKSON, VICE CHAIR		✓	
SENATOR JOE BALYEAT, CHAIRMAN	✓		

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 1/19/09 BILL NO. SB145 MOTION NO. _____
 MOTION: Table Carried 6-5

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON	✓		<i>PR</i>
SENATOR CAROLYN SQUIRES		✓	
SENATOR DONALD STEINBEISSER	✓		<i>PR</i>
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JOSEPH TROPILA		✓	
SENATOR JONATHAN WINDY BOY		✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALLYEAT, CHAIRMAN	✓		

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 1/19/09 BILL NO SB 89 MOTION NO. _____
MOTION: _____

SB 89 DP

Carries 10-1

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		pr
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER	✓		pr
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALLYEAT, CHAIRMAN		✓	

885 - 0325

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from Business & Labor Committee
because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments,
list them by name and number under the bill and indicate a separate vote
for each amendment.

BILL/AMENDMENT

AYE NO

SB 145 - To Table	X	
SB 89	X	

BILL/AMENDMENT

AYE NO

sen.

Donald Steinbocker
(Signature)

Date

1/19/19

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Business + Labor committee because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

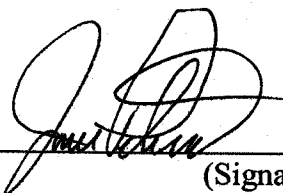
BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

Amendment 12702-apm	X	
SB 127	X	
SB 75 - To Table	X	
SB 145 - To Table	X	
SB 89 -	X	

Sen. 
(Signature)

Date 1/19/09

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from Business + Labor Committee
because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments,
list them by name and number under the bill and indicate a separate vote
for each amendment.

BILL/AMENDMENT

AYE NO

Amendment 12702.apa	X	
SB 127	X	
SB 75 - To Table	X	
SB 145 - To Table		

BILL/AMENDMENT

AYE NO

sen. _____

(Signature)

Date

4/19/09

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 1-19-09

SJR

~~Bill No.~~

6

Sponsor(s) Hansen

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing <i>Self</i>	Support	Oppose	Inf.
<i>Clinton Bain 2551 Magenta Rd Boz</i>		<input checked="" type="checkbox"/>		
GREG AMOS	MT. DEPT AGR			X
<i>Rep. Wendy Wamboldt</i>	HD 34	<input checked="" type="checkbox"/>		
<i>Michael Fitzpatrick ST</i>	Maple Creek ST	<input checked="" type="checkbox"/>		
JAY ANDERSON	TURNER MT	<input checked="" type="checkbox"/>		
Jay Meyer	SHAUNAVON SK	<input checked="" type="checkbox"/>		
Alan Van Voast	Turner, MT	<input checked="" type="checkbox"/>		
SHARON DICKIE	SHAUNAVON, SK, CAN.	<input checked="" type="checkbox"/>		
ELYSHA CRUTHERS	SHAUNAVON, SK CAN	<input checked="" type="checkbox"/>		
Brian Fox	Turner	<input checked="" type="checkbox"/>		
Valerie Van Voast	Turner	<input checked="" type="checkbox"/>		
Don Van Voast	Turner	<input checked="" type="checkbox"/>		
Chad Lee	Turner	<input checked="" type="checkbox"/>		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.